

PATENT
Appl. No. 09/388,781
Attorney Docket No. 450127-02160

REMARKS

Favorable reconsideration of the application is respectfully requested in light of the remarks herein.

Claims 1-15 remain pending.

§102 Rejection of Claims 1-2, 4-6, and 9-15

In Section 3 of the Office Action, the Examiner has rejected claims 1-2, 4-6, and 9-15 under 35 U.S.C. §102(e) as being unpatentable over Itami et al. (U.S. Patent 6,278,984; hereinafter referred to as "Itami"). This rejection is respectfully traversed below.

Regarding claim 1, as shown above, claim 1 has been amended and calls for:

1. (Previously Presented) A data transmitting and receiving system comprising a data transmitting apparatus and a data receiving apparatus,

said data receiving apparatus having a reader for reading a recording medium with a recorded ID and control means;

said control means comprising means for controlling said reader to read a program and/or data from said recording medium and executing the program and/or processing the data if an ID designated by data received by said data receiving apparatus agrees with the recorded ID of said recording medium which is read by said reader;

wherein said received data designating the ID is received by broadcast.

Accordingly, in one aspect of claim 1, the system compares an ID read from the recording medium with an ID received by broadcast. If the ID's match, the system reads a program and/or data from the recording medium. Hence, the system uses the ID comparison as a check or confirmation before reading and executing (or processing) data from a recording medium.

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In rejecting claim 1, the Examiner refers to Itami at col. 10, lines 11-37 and Figure 2. However, it appears that the cited portions of Itami discuss a different type of confirmation than that of claim 1. It appears that the cited portions of Itami address two comparisons: (1) writing to an optical disk by receiving software including a vendor ID by broadcast and comparing that vendor ID with a vendor ID read from the disk before storing the received software on the disk, and (2) reading from an optical disk by comparing a vendor ID read from the disk with a vendor ID read from software on the same disk before reading the software from the disk. In these cases, it appears that either the disk does not include the software and that a positive comparison does not result in reading data from the disk (case 1) or that the ID is not received by broadcast (case 2) and so this description appears to be different from claim 1.

Accordingly, it does not appear that the Examiner has established how the cited reference of Itami, as referenced by the Examiner in rejecting claim 1, shows or suggests at least these aspects of claim 1, and so it is submitted that the Examiner has not established how Itami shows or suggests claim 1 as a whole. Claims 2 and 12 depend from claim 1, and it is also submitted that the Examiner has not established how Itami shows or suggests claims 2 and 12, through their dependence on claim 1. Similar arguments apply to claims 4 and 5, and so to claim 13 that depends from claim 4 and to claims 6, 9, and 14 that depend from claim 5.

Regarding claim 10, as shown above, claim 10 calls for:

10. (Previously Presented) A data transmitting apparatus for transmitting data, wherein the transmitted data contains the ID of a particular recording medium;
wherein said transmitted data including the ID is transmitted by broadcast.

Accordingly, in one aspect of claim 10, the ID is the ID of a particular recording medium. Hence, the ID is for one recording medium only. Each recording medium has a respective ID.

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It does not appear that the Examiner has established how Itami shows the ID called for in claim 10. It appears that the referenced portion of Itami (col. 8, lines 11-37) discusses an ID identifying a vendor, not identifying a recording medium, and so multiple recording media could have the same vendor ID. This description appears to be different from claim 10.

Accordingly, it does not appear that the Examiner has established how the cited reference of Itami, as referenced by the Examiner in rejecting claim 10, shows or suggests at least these aspects of claim 10, and so it is submitted that the Examiner has not established how Itami shows or suggests claim 10 as a whole. Claims 11 and 15 depend from claim 10, and it is also submitted that the Examiner has not established how Itami shows or suggests claims 11 and 15, through their dependence on claim 10.

Based upon the foregoing, it is submitted that claims 1-2, 4-6, and 9-15 are not anticipated by nor rendered obvious by the teachings of Itami, as presented and referenced by the Examiner. Accordingly, it is submitted that the Examiner's rejection of claims 1-2, 4-6, and 9-15 based upon 35 U.S.C. §102(e) has been overcome by the present remarks and withdrawal thereof is respectfully requested.

§103 Rejection of Claims 3 and 7-8

In Section 5 of the Office Action, the Examiner has rejected claims 3 and 7-8 under 35 U.S.C. §103(a) as being unpatentable over Itami. This rejection is respectfully traversed below.

Claim 3 depends from claim 1. As discussed above, it is submitted that the rejection of claim 1 has been overcome. Therefore, it is respectfully submitted that the rejection of claim 3 has also been overcome through the dependence of claim 3 on claim 1.

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Claims 7 and 8 depend from claim 5. As discussed above, it is submitted that the rejection of claim 5 has been overcome. Therefore, it is respectfully submitted that the rejection of claims 7 and 8 has also been overcome through the dependence of claims 7 and 8 on claim 5.

Based upon the foregoing, it is submitted that claims 3 and 7-8 are not anticipated by nor rendered obvious by the teachings of Itami, as presented and referenced by the Examiner. Accordingly, it is submitted that the Examiner's rejection of claims 3 and 7-8 based upon 35 U.S.C. §103(a) has been overcome by the present remarks and withdrawal thereof is respectfully requested.

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CONCLUSION

In view of the foregoing, entry of this amendment, and the allowance of this application with claims 1-15 is respectfully solicited.

In regard to the claims amended herein and throughout the prosecution of this application, it is submitted that these claims, as originally presented, are patentably distinct over the prior art of record, and that these claims were in full compliance with the requirements of 35 U.S.C. §112. Changes to these claims, as presented herein, are not made for the purpose of patentability within the meaning of 35 U.S.C. §§101, 102, 103 or 112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.


In the event that additional cooperation in this case may be helpful to complete its prosecution, the Examiner is cordially invited to contact Applicants' representative at the telephone number written below.

The Commissioner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account 50-0320.

Respectfully submitted,

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